

AMENDED IN ASSEMBLY APRIL 12, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 2256**

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**Introduced by Assembly Member Huffman**  
**(Coauthor: Assembly Member Jones)**  
*(Coauthors: Senators Hancock and Pavley)*

February 18, 2010

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An act to add Chapter 9 (commencing with Section 119420) to Part 15 of Division 104 of the Health and Safety Code, relating to flushable products.

LEGISLATIVE COUNSEL'S DIGEST

AB 2256, as amended, Huffman. Product labeling: flushable products. Existing law regulates the labeling requirements on various consumer products.

This bill would prohibit, on or after January 1, 2012, a person engaged in the from packaging or labeling of a consumer product from distributing, or causing to be distributed, in commerce for distribution or sale in California a if that product, that is contained in a package, or that has an affixed label, that states that the product is flushable, sewer and septic safe, or other like term or phrase unless the product meets specified criteria. *The bill would require a person who has packaged or labeled a product for distribution or sale in California that is labeled as flushable, sewer and septic safe, or other like term or phrase, to maintain, in written form, documentation of the testing substantiating the validity of the claim. The bill would exempt certain retailers and wholesalers from these provisions.* The bill would make violation of this provision punishable by a fine of up to \$2,500.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. The Legislature finds and declares all of the  
2 following:
- 3     (a) There is currently no consistent or widely accepted definition  
4 of what constitutes a “flushable” consumer product. As a result,  
5 companies have used their own definitions and methods to  
6 determine the flushability of their products. For consumers and  
7 wastewater agencies, this means there has been no single reference  
8 from which to assess the flushability of products.
- 9     (b) This lack of consistency has lead to confusion and lack of  
10 clarity in the market place as to the appropriateness of disposing  
11 certain products via plumbing systems. Where such confusion  
12 exists, there is a higher risk that nonflushable products will be  
13 flushed down a toilet, which has lead to costly plumbing repairs  
14 and extraordinary maintenance problems for sanitary sewer systems  
15 and wastewater treatment plants.
- 16     (c) Products that are poorly designed to be flushed down the  
17 toilet can cause sewer blockages, which damage sewer lines and  
18 lead to costly sanitary sewer overflows. Damage and overflows  
19 present dangers to public health and the environment.
- 20     (d) A build up of nonflushable products has been shown to cause  
21 clogs in sewage pumps, lead to entanglements in sewage treatment  
22 equipment, lead to sewer backups in residences, and increase the  
23 risk of a sanitary sewer overflow during a storm.
- 24     (e) An increasing concern among public wastewater agencies  
25 is the prevalence of consumer products found in sewage  
26 infrastructure around the state that do not breakdown and  
27 disintegrate after being flushed down a toilet.
- 28     (f) The increased maintenance needed to prevent problems from  
29 nonflushable products is very costly to public wastewater agencies.
- 30     (g) It is in the best interests of manufacturers, retailers,  
31 consumers, and regulators, as well as wastewater treatment  
32 managers and operators, that there be a consistent and clear  
33 definition of flushability.
- 34     (h) To prevent nondispersable or poorly dispersable products  
35 from entering sewer systems and potentially causing overflows,

1 it is the intent of the Legislature to define “flushable” in order to  
2 assist manufacturers when labeling their products and enable  
3 consumers to identify which products are safe to dispose via the  
4 plumbing system.

5 SEC. 2. Chapter 9 (commencing with Section 119420) is added  
6 to Part 15 of Division 104 of the Health and Safety Code, to read:

7  
8 CHAPTER 9. FLUSHABLE PRODUCTS  
9

10 119420. (a) On or after January 1, 2012, no person engaged  
11 ~~in the packaging or labeling of a consumer product shall distribute,~~  
12 ~~or cause to be distributed, in commerce in California a product~~  
13 ~~that shall package or label a consumer product for distribution or~~  
14 ~~sale in California if that product is contained in a package, or that~~  
15 has an affixed label, that states that the product is flushable, sewer  
16 and septic safe, or other like term or phrase unless the product can  
17 be safely flushed down a low consumption toilet system of 1.6  
18 gallons or less and can easily clear, in one flush, a four inch drain  
19 line.

20 (b) ~~For purposes of this section, “safely” means that the product~~  
21 ~~disperses at the same rate as double-ply toilet paper after one flush~~  
22 ~~and is biodegradable pursuant to the Federal Trade Commission~~  
23 ~~standards in Section 260.7 of Title 16 of the Code of Federal~~  
24 ~~Regulations in effect on December 31, 2010; like term or phrase~~  
25 ~~unless the product has been tested and certified by a third party~~  
26 ~~to meet the acceptance criteria for toilet, drainline, sewage pump,~~  
27 ~~septic tank, aerobic system, and municipal wastewater collection~~  
28 ~~and treatment systems clearance as published in the Guidance~~  
29 ~~Document for Assessing the Flushability of Nonwoven Consumer~~  
30 ~~Products, published by the Association of the Nonwoven Fabrics~~  
31 ~~Industry (INDA), as that document exists on January 1, 2012.~~

32 (b) A person who has packaged or labeled a product for  
33 distribution or sale in California that is labeled as flushable, sewer  
34 and septic safe, or other like term or phrase, shall maintain, in  
35 written form, documentation of the testing substantiating the  
36 validity of the claim.

37 (c) For purposes of this section, a wholesaler or retailer who  
38 does not initiate a representation by advertising or by placing the  
39 representation on a package shall be subject to the provisions of  
40 this section.

- 1 119421. Violation of this chapter shall be punishable by a fine
- 2 not to exceed two thousand five hundred dollars (\$2,500).

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